IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 13021 of 2007(A)

PETITIONERS:
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1. **SHRI. P.J.TOMSY, EXCISE GUARD,**
   EXCISE RANGE OFFICE, CHANGANACHERRY, KOTTAYAM.

2. **K.P.JAYALAL, EXCISE GUARD EXCISE RANGE**
   OFFICE, VAIKOM, KOTTAYAM DISTRICT.

3. **K.S.ANIL KUMAR, EXCISE GUARD,**
   EXCISE RANGE OFFICE, VAIKOM, KOTTAYAM DIST.

BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.VINITHA PRASANNAN
SRI.P.ANIYAN
SRI.A.S.SACHIN

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT, TAXES(EXCISE)
   DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. **THE EXCISE COMMISSIONER, COMMISSIONERATE**
   OF EXCISE, TRIVANDRUM.

3. **THE ASSISTANT EXCISE COMMISSIONER,**
   KOTTAYAM.

4. **THE UNDER SECRETARY - 3, GOVERNMENT WING**
   (RECRUITMENT), KERALA PUBLIC SERVICE COMMISSION,
   PATTOM, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN
BY ADV.SRI.P.C.SASIDHARAN SC., PSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.13021 OF 2007-A

Judgment

The petitioners are Excise Guards. They are waiting in the queue for promotion to the post of Excise Preventive Officer. According to them, the quota set apart for direct recruitment is already saturated and no vacancy is available. They would submit that there are excess direct recruits . But, notwithstanding the said fact, now, Ext.P5 notification is issued for direct recruitment. Hence this Writ Petition, challenging Ext.P5. The learned Government Pleader upon instruction, submitted that now, there is dearth of hands under the direct recruitment quota, especially, in view of the creation of 53 posts of Preventive Officers. It is also submitted that the appointments will be made only to the vacancies in the quota set apart for direct recruits, computed with reference to the cadre strength of Preventive Officer. These submissions will redress the grievance of the petitioner. Recording the said submissions, the Writ Petition is disposed of.

04.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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